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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/588,034

08/01/2006

Atsushi Mae

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03/16/2010

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EXAMINER

HARVEY, DAVID E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/588,034 | Applicant(s) MAE ET AL. | |
| | Examiner DAVID E. HARVEY | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/7/2008, 2/1/2007, and 8/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A) The preamble of claim 6 indicates that claim 6 is directed to a computer "program" per se. Computer programs, per se, constitute non-functional descriptive material and, as such, are not eligible under Section 101; computer programs, per se, constitute non-statutory subject matter.

4. The following “prior art” is noted:

A) U.S. Patent #6,788,382 to Mori et al:

Mori et al has been cited because it describes a video encoding system (e.g., @ Figure 9) which encodes a video signal using a predetermined coding system/standard, e.g., such as MPEG, wherein:

- 1) The coding parameters are controllable/selectable; and
- 2) The coding parameters include resolution and, unusually, aspect ratio.

[Note: lines 4-20 of column 3; lines 20-23 of column 6; and lines 24-29 of column 8].

B) U.S. Patent Document #2005/0123284 to Kikuchi et al:

Kihuchi et al has been cited because it evidences that it was known to have included information in the header of a video signal data stream (e.g., @ Figure 84) identifying encoding attributes of the video signal stream wherein said attributes identify:

- 1) One of different possible aspect ratios; and
- 2) One of different possible resolutions.

[Note paragraph 0056].

C) U.S. Patent Document #2004/0126098 to Kim et al.:

Kim et al has been cited because it evidences that it was known to have included information in the header of a video signal data stream (e.g., @ Figure 8A) identifying encoding attributes of the video signal stream wherein said attributes identify:

- 1) One of different possible aspect ratios; and
- 2) One of different possible resolutions.

[Note paragraph 0048].

5. The combined showing of the prior art cited above in paragraph 4 of this Office:

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have changed/set the coding parameters of the video signal encoder described in U.S. Patent #6,788,382 to Mori et al to the various combinations of aspect ratios and resolutions that are defined by the header portion of conventional encoded video signal streams as evidence via the showing of:

A) U.S. Patent Document #2005/0123284 to Kikuchi et al; and

B) U.S. Patent Document #2004/0126098 to Kim et al;

[i.e., given that the headers described in Kikuchi et al and Kim et al merely define different video signal formats (e.g., different combinations of aspect ratios and resolutions) that encoders, e.g., of the type described by Mori et al, were known to have produced].

6. The following “prior art” is also noted:

A) U.S. Patent #7,374,768 to Herberger et al:

Herberger et al has been cited because is illustrates a display system which allows the operator to independently select different display parameters, wherein the parameters include aspect ratio and resolution. The display system includes circuitry for detecting when the user selected parameters are non-compliant with the display device and generate a warning when such occurs [Note lines 32-53 of column 4].

B) U.S. Patent #5,999,220 to Washino:

Washino has been cited for the teachings that appear in the last 6 lines of the abstract.

7. Claims 1-5 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY
Primary Examiner
Art Unit 2621